REMARKS

Applicant has carefully reviewed the Application in light of the Office Action mailed November 24, 2010. At the time of the Office Action, Claims 1-122 were pending in the Application. Claims 1-5 and 7-13 stand rejected. Claims 14-122 are withdrawn from consideration. Applicant amends several Independent Claims without prejudice or disclaimer. The amendments to these claims are not the result of any Prior Art reference and, thus, do not narrow the scope of any of the claims. Furthermore, the amendments are not related to patentability issues and only further clarify subject matter already present. All of Applicant's amendments have only been done in order to advance prosecution in this case. Applicant respectfully requests reconsideration of the pending claims and favorable action in this case.

Interview Summary for February 21, 2011

Applicant thanks the Examiner for conducting the telephone interview on February 21, 2011, and for the thoughtful consideration of this case. No agreement was reached as a result of the Interview. Any subsequent amendments to the claims were not based on reasons related to patentability, and Applicant reserves the right for future commentary concerning the rationale behind these amendments.

Information Disclosure Statement

Upon reviewing the file, Applicant noted that they have not received an initialed copy of the enclosed Form PTO-1449 that accompanied an information disclosure statement filed October 6, 2006. Applicant's records reflect that this information disclosure statement complied with 37 CFR 1.97. Thus, we respectfully request that the examiner initial and return this form as soon as possible.

35 U.S.C. §103(a) Rejections

The Examiner rejects Claims 1-5, 7-9 and 11-12 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,665,295 issued to Burns et al. (hereinafter "*Burns*") further in view of U.S. Publication No. 2009/0041022 issued to Chase et al. (hereinafter "*Chase*"), and further in view of U.S. Publication No. 2008/0175250 issued to Chen et al. (hereinafter "*Chen*"). The Examiner further rejects Claims 10 and 13 under 35 U.S.C. §103(a) as being unpatentable over *Burns*, *Chase*, *Chen*, and further in view of U.S. Patent No. 6,597,689 issued to Chiu et al. (hereinafter "*Chiu*").

Applicant respectfully reminds the Examiner that to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation; either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference (or references when combined) must teach or suggest all of the claim limitations.[1]

It is respectfully submitted that the rejected claims are patentable over the art of record based on at least the third criterion of obviousness: none of the references alone or in combination teach, suggest, or disclose each claim limitation of the Independent Claims. For example, Independent Claim 1 (as amended) recites "...*a new connection service category change request for the existing SPVC connection triggers an evaluation of resources available to satisfy the new connection service category change request, and wherein if the resources are not available, the new connection service category change request is rejected and a current service category is maintained*."

The Examiner has incorrectly cited a portion of *Chen* for these teachings. However, the *Chen* reference is describing a new connection setup protocol. In no event does the *Chen* reference describe ***a new connection service category change request for an existing SPVC***

[1] *See* M.P.E.P. §2142-43.

connection. Moreover, no reference discusses such a request ***triggering an evaluation of resources available to satisfy the new connection service category change request***. Additionally, no reference addresses that if the resources are not available, then the new connection service category change request is rejected and the current service category would be maintained.

Again, these important limitations are provided for in Independent Claim 1, but no reference of record includes such elements. Applicant has reviewed the cited references in their respective entireties and found nothing that would be relevant to such operations. For at least these reasons, Independent Claim 1 is allowable over the cited references. Additionally, the corresponding dependent claims from this Independent Claim are also patentably distinct for analogous reasons. Thus, all of the pending claims have been shown to be allowable as they are patentable over the references of record. Notice to this effect is respectfully requested in the form of a full allowance of these claims.

CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for all other reasons clear and apparent, Applicant respectfully requests reconsideration and allowance of the pending claims.

No additional fees are believed due. However, please apply any other charges or credit any overpayment to Deposit Account No. 50-4889 of PATENT CAPITAL GROUP, referencing the attorney docket number referenced above.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicant invites the Examiner to contact Thomas J. Frame at (214) 823-1241.

Respectfully submitted,

Patent Capital Group
Attorneys for Applicant

/Thomas J. Frame/
Thomas J. Frame
Reg. No. 47,232

Date: February 22, 2011

Customer No. 86421